



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDG:KMT
F.#2014R00081

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 14, 2015

By ECF and Hand Delivery

AUSA Daniel Silver
AUSA Hilary Jager
AUSA Una Dean
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Fishenko, et al.
Criminal Docket No. 12-626 (SJ)

Dear Mr. Silver, Ms. Jager and Ms. Dean:

As you are aware, we are firewall counsel in the above-referenced matter. Enclosed please find discovery bearing bates numbers ARC FILTER000131, ARC FILTER000141-255, ARC FILTER000258-350, ARC FILTER000353-360, ARC FILTER000366-371, ARC FILTER000375-407 and ARC FILTER000409-417. These documents were seized during the execution of search warrants on October 3, 2013.

Firewall counsel produced these and other documents to defendant Fishenko under cover of a letter dated January 21, 2014. At that time, the documents bearing bates numbers ARC FILTER00023-669 had been segregated by the firewall team in an abundance of caution and there had been no final determination as to whether those materials contained information protected by the attorney client privilege, in whole or in part. The undersigned, as firewall counsel, have made a final determination that the enclosed materials are not protected by the attorney client privilege and, accordingly, we are producing them to the prosecution team. The remaining documents from the January 21, 2014 production will remain segregated in an abundance of caution, and there has been no determination whether those materials contain information protected by the attorney-client privilege, either in whole or in part.

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If you have any questions or further requests, please do not hesitate to contact us.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
James Gatta
Kevin Trowel
Assistant U.S. Attorneys
(718) 254-6356/6351

Enclosure

cc: Clerk of Court (SJ) (w/o enclosure) (by ECF)
Richard Ware Levitt, Esq. (by ECF)